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ATTORNEYS AT LAW

July 28, 2022

Via ECF

Hon. Vernon S. Broderick
United States District Court
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: Peni v Daily Harvest, Inc., SDNY 1:22-cv-05443-VSB

Dear Judge Broderick:

We represent the plaintiff in the above matter. Please accept this letter in response to the Court's Order dated July 25, 2022 (Doc. 8)

On June 30, 2022, we served the defendant Daily Harvest through the New York State Department of State (Doc. 7). On July 25, 2022, we again retained a process service to effect personal service on the defendant at its designated address for service of process.

On July 27, 2022, I spoke to counsel for defendant Daily Harvest by phone. On the same date, counsel for defendant filed a notice of appearance in this action and made a motion to compel arbitration of the complaint and stay this action (Doc. 11). We understand that Daily Harvest has filed a similar motion in the related matter *Ready v Daily Harvest, Inc.* (Case No. 1:22-CV-5385), which is also pending before Your Honor. We are in the process of reviewing said motion and intend to oppose the same.

We also intend to amend plaintiff's Complaint pursuant to Rule 15 and to add an additional manufacturer defendant. We will confer with counsel for defendant prior to the filing of any amended pleading, including to discuss any renewed motions and/or potential consolidation of the related matters.

We are available at the Court's convenience for a conference to discuss the above.

Respectfully submitted,

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cc: All counsel via ECF